

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

STATE OF TENNESSEE, *ex rel.*  
JONATHAN SKRMETTI, ATTORNEY  
GENERAL and REPORTER, and  
COMMONWEALTH OF KENTUCKY, *ex*  
*rel.* DANIEL CAMERON, ATTORNEY  
GENERAL,

Plaintiffs,

v.

IDEAL HORIZON BENEFITS, LLC d/b/a  
SOLAR TITAN USA, et al.,

Defendants.

Case No. 3:23-CV-00046-DCLC-JEM

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**REPLY IN SUPPORT OF MOTION FOR LEAVE OF COURT  
TO FILE COMPLAINT AGAINST DEFENDANT**

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Movants, Vickie Seagle and Page Harrison, Trustee of the Seagle Family Revocable Trust (herein “Movants”), by and through counsel, previously filed a Motion for Leave of Court to File Complaint Against Defendant in Hamilton County, Tennessee (Doc. 97). In response to said Motion, Receiver has filed a Statement in Opposition (Doc. 115), and Movants now file this Reply and response in further support of their Motion for Leave of Court to File Complaint Against Defendant, and submit the following:

1. As noted, the Movants are owners of a home and real property located at 6230 Brenda Court, Harrison, Tennessee 37341.

2. Movants incorporate the assertions and averments in their previously filed Motion for Leave of Court to File Complaint (Doc. 97) as if set out here in full and verbatim.

3. In its Statement in Opposition (Doc. 115), Receiver contends that any state court filing or proceeding, such as the one proposed by Movants, “...would interfere with the exclusive jurisdiction of this Court...” and “...would strain the resources of the Receivership... .” Movants respectfully assert that such position is not accurate and consistent with the claims asserted by Movants.

4. First, as the Court can review, Movants’ proposed Complaint asserts claims and causes of action against a party who is not subject to this Court’s Order (Doc. 21); namely, Solar Mosaic, Inc. d/b/a Mosaic.

5. Second, Movants also assert claims and causes of action in their proposed state court Complaint that are not the same or similar to the Civil Enforcement Complaint filed by the State of Tennessee and the Commonwealth of Kentucky (Doc. 3).

6. Third, Movants’ claims and causes of action that they assert to include property damage, third-party liability insurance coverage, or general liability insurance coverage, are also not the subject of the Civil Enforcement Complaint (Doc. 3), nor are they addressed or referenced in this Court’s Opinion and Order (Doc. 21).

7. Last, as a matter of clarification, Movants further filed the Motion for Leave of Court to File Complaint Against Defendant (Doc. 97) to further preserve the statute of limitations with regard to any claims or causes of action that Movants may have against Defendant and/or the other named parties in Movants’ proposed Complaint. It was unclear or uncertain as to whether such leave to preserve the statute of limitations was required at the outset before filing of such Complaint or not, and the Motion was filed for that clarification as well.

8. Aside from the procedural statute of limitations issue, if the claims and causes of action by Movants are made against parties that are not subject to the jurisdiction of this Court, and also include claims and causes of action such as property damage, third-party insurance, or general liability insurance claims or causes of action that may be defended (under reservation of rights or otherwise) and/or covered for defense and/or indemnification by any third-party insurance carrier, then any such claims or causes of action would be outside the jurisdiction of this Court under the Receivership, and further would not usurp or strain the resources of the Receivership as they would be managed as claims under any third-party insurance coverage of the Defendant or proposed Defendants and Movants' proposed litigation.

9. Accordingly, in reply and as further supplement to their Motion, Movants request the following: An Order allowing Movants to file their Complaint in full to preserve any and all statutes of limitations; an Order allowing the filing and the service of Summons against those proposed Defendants to implicate any third-party or general liability insurance coverage; and an Order allowing the Movants to file said Complaint and pursue any and all claims or causes of action to the extent of applicable insurance coverage, and further, an Order allowing Movants to file said Complaint and any claims or causes of action that are consistent with the Civil Enforcement Complaint (Doc. 3) be stayed, and that the Movants be allowed to participate in the claims process or procedure before this Court with regard to those claims or causes of action; and further, that the Movants be permitted at the same time to pursue any claims or causes of action against other parties based on the proposed Complaint.

Movants request the Court enter an Order accordingly.

(Signature on following page)

Respectfully submitted,

**SPICER RUDSTROM, PLLC**

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*Counsel for Movants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of March, 2023, I electronically filed this document along with any exhibits with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

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